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Environmental
Protection

California Regional Water Quality Control Board Los Angeles Region

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John Heimann
Forecast Homes
1190 Sierra Court, # C-12
Palmdale, CA 93550

CONDITIONAL CERTIFICATION FOR PROPOSED MINT CANYON: TRACT 46353 PROJECT (CORPS' PROJECT NO. 2002-01377-PJF), MINT CANYON CREEK, TRIBUTARY TO SANTA CLARA RIVER, CITY OF SANTA CLARITA, LOS ANGELES COUNTY (FILE NO. 02-108)

Dear Mr. Heimann:

Regional Board staff has reviewed your request on behalf of Forecast Homes (the Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on September 10, 2002.

I hereby certify that any discharge from Mint Canyon: Tract 463535 Project, as proposed and described in Attachment A, if performed in accordance with all applicable water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region* (1994), and in accordance with the conditions specified in Attachment B, will comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this certification action, please contact Valerie Carrillo, Section 401 Program, at (213) 576-6759.

[Original Signed By:]

[October 8, 2002]

Dennis A. Dickerson

Date

California Environmental Protection Agency

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***For a list of simple ways to reduce demand and cut your energy costs, see the tips at:
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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

ATTACHMENT A

Project Information

File No. 01-000

Executive Officer

DISTRIBUTION LIST

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ATTACHMENT A

Project Information

File No. **02-108**

1. Applicant: John Heimann
Forecast Homes
1190 Sierra Court, # C-12
Palmdale, CA 93550
Phone: (661) 274-9998 Fax: (661) 274-9997

2. Applicant's Agent: Ty Garrison
Land Design Consultants, Inc.
225 S. Lake Avenue, Suite 600
Pasadena, CA 91101
Phone: (626) 578-7000 Fax: (626) 578-7373

3. Project Name: Mint Canyon: Tract 46353

4. Project Location: City of Santa Clarita, Los Angeles County
Latitude: 34.44°; Longitude: 118.42°
Township T4N; Range: R16W

5. Type of Project: High-Density Residential Development

6. Project Description: *Purpose:* The proposed project involves the subdivision of a 65-acre site into 110 residential condominium units on two multi-family lots.

Description: Of the total 65 acres, only 32 acres will be subject to site modification and grading. Grading quantities anticipated under the proposed development plan would equal an estimated 279,480 cubic yards of cut and 253,000 yards of fill.

There are a total of 10 ephemeral drainages on the property. The combined drainages constitute a total of 0.28 acres on the project site. Implementation of the proposed project will impact approximately 0.26 acres through the placement of permanent fill for building pads and associated infrastructure.

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The only Army Corps of Engineers jurisdictional impact associated with the project implementation will be an improvement to a storm drain outlet in Mint Canyon Creek. This improvement consists of placing approximately 400 sq. feet (<0.01 acre) of clean rock rip-rap at the outlet to reduce potential flow velocities and protect the stream bed.

- | | |
|---|--|
| 7. Federal Agency/Permit: | U.S. Army Corps of Engineers
NWP No. 39 (Permit No. 2002-01377-PJF) |
| 8. Other Required
Regulatory Approvals: | California Department of Fish and Game
Streambed Alteration Agreement |
| 9. California Environmental
Quality Act (CEQA)
Compliance: | The Los Angeles Department of Regional Planning approved the project's Mitigated Negative Declaration on January 26, 1993. |
| 10. Receiving Water: | Mint Canyon Creek, tributary to Santa Clara River (Hydrologic Unit No. 403.51) |
| 11. Designated Beneficial
Uses: | MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM,
and WILD |
| 12. Impacted Waters of the
United States: | Non-wetland waters (unvegetated ephemeral streambed): 0.27
permanent acres |
| 13. Dredge Volume: | 0 cubic yards |
| 14. Related Projects
Implemented/to be
Implemented by the
Applicant: | The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years. |

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15. Avoidance/ Minimization
Activities:

The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:

- On-site debris and/or retention basins, use of sandbags or silt fences, stabilized construction roads and ingress/egress points, storm drain inlet protection devices, use of sand, gravel, or grassy swales, prompt revegetation of graded areas and slopes, mulching, and preservation of existing vegetation;
- Lot runoff to be infiltrated from the graded pad area through on-site pervious soils;
- Catch basins with inserts will be utilized to capture floatables and reduce pollutants;
- Slope protection – convey runoff from the tops of slopes and stabilize disturbed slopes with landscaping per county standard;
- Slopes will be vegetated with native or drought tolerant vegetation to minimize erosion;
- Street runoff is collected into a catch basin and storm drainpipes outlet onto natural alluvial canyons and/or wash alluvium serving as infiltration surfaces;
- All catch basins and inlets shall be stenciled with “Warning! Drain to Ocean” notes and symbols per NPDES BMP standards
- The applicant shall comply with all S.U.S.M. P. requirements, including the post construction, permanent BMP’s approved as part of the Drainage Concept, and
- H.O.A. maintained curb-opening catch basin with filter catch basin inserts or as approved by Department of Public Works for the private streets.

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16. Proposed
Compensatory
Mitigation:

In order to compensate for impacts associated with the project activities, the Applicant shall mitigate the loss by funding offsite removal of *Arundo donax*, or another riparian habitat enhancement program at a ratio of 5:1, totaling 1.30 acres.

ATTACHMENT B

Conditions of Certification File No. 02-108

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the state.**
2. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.
3. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.
4. The Applicant shall not conduct any construction activities within waters of the state during a rainfall event. The Applicant shall maintain **a five-day (5-day) clear weather forecast** before conducting any operations within waters of the state.

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Conditions of Certification

File No. 02-108

5. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
6. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
7. The Applicant shall restore all areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species to the extent feasible. The Applicant shall implement appropriate Best Management Practices to control erosion and runoff from areas associated with this project.
8. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent impacts to **0.26 acres** of vegetation within waters of the United States by creating or restoring riparian habitat at a minimum 5:1 area replacement ratio (1.30 acres). As an alternative, the Applicant may provide adequate funding to a third party organization for the offsite removal of *Arundo donax*, or other riparian habitat enhancement within waters of the United States. The mitigation site shall be located within the Mint Canyon Watershed to the extent feasible unless otherwise approved by this Regional Board. The location of the mitigation site shall be clearly

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identified on a map of suitable quality and shall be defined by latitude and longitude. This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States and shall include copies of any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.

9. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** documenting the success of all restoration and mitigation efforts, including, percent survival by plant species and percent cover. The reports shall include discussion of any monitoring activities and exotic plant control efforts. Representative photographs from designated stations shall be included in the reports. The reports shall be submitted by **January 1st** of each year for a period of **five (5) years** after planting.
10. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **02-108**. Submittals shall be sent to the attention of the Nonpoint Source Unit.
11. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
12. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment.
13. *Enforcement:*
 - (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
 - (b) In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall

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be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

- (c) In response to any violation of the conditions of this certification, the SWRCB may add to or modify the conditions of this certification as appropriate to ensure compliance.
14. This certification shall expire **five (5) years** from the date of signature. The Applicant may request a renewal of this certification prior to its termination. Renewals may be granted in **five-year (5-year)** increments, may be subject to additional filing fees, and will require Regional Board approval. If the Applicant fails to request a renewal prior to the certification's expiration, then the Applicant shall submit a new application and appropriate filing fees.